IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.1040 OF 2005

WITH

CIVIL APPLICATION NO.1248 OF 2005

M/s.Nimit Traders. ...Appellant.

Vs.

Undir Shivagya Patil & Anr. ...Respondents.

.....

Mr.Akhilesh Dubey i/b.M/s.M.Tripathi & Co. for the Appellant.

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CORAM : DR.D.Y.CHANDRACHUD, J.

November 28,2005.

P.C. :

The Learned Trial Judge has furnished sound reasons for declining to grant an interlocutory order of injunction. The alleged agreement to sell which has been seriously disputed on behalf of the Original Defendant, is stated to be executed on 12th July 1995. The suit for specific performance was instituted only in 2005. Having regard to all the circumstances, including gross delay, the

injunction was declined. The order does not warrant any interference. The appeal is dismissed.

In view of the disposal of the appeal, the Civil Application is rendered infructuous and is accordingly disposed of.

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